

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

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CRIMINAL DOCKET NO. 10-302

v.

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SECTION: "S"

LUKE SOBIECHOWSKI

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F A C T U A L B A S I S

Should this matter proceed to trial, both the Government and the defendant, **LUKE SOBIECHOWSKI**, do hereby stipulate and agree that the following facts set forth a sufficient factual basis for the crimes to which the defendant is pleading guilty. The Government and the defendant further stipulate that the Government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the Bill of Information now pending against the defendant:

The Government would show that at all times mentioned in the Bill of Information, the defendant, **LUKE SOBIECHOWSKI**, was on active duty enlisted in the United States Marine Corps and was stationed at, and residing within, the Eastern District of Louisiana, namely, in New Orleans, Louisiana.

The Government would present evidence that on or about October 29, 2009, Special Agents from the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE), went to the defendant's Marine Barracks, located in New Orleans, Louisiana, for the purpose of questioning **SOBIECHOWSKI** about his accessing, downloading, and receiving images of child pornography via the Internet. During the agents' visit, **SOBIECHOWSKI** provided written consent for the agents to search his computers. During a forensic preview search, ICE agents located images of child pornography. **SOBIECHOWSKI** also waived his *Miranda* rights, and he executed a written waiver of those rights.

The Government would establish through witness testimony and documentary evidence that the defendant, **LUKE SOBIECHOWSKI**, knowingly used his computer to search for, download, save, and view images of child pornography. Further, the evidence and testimony would establish that a computer forensic search of the defendant's seized computer and related evidence revealed approximately thirteen (13) images depicting the sexual victimization of children, including prepubescent individuals engaged in a variety of sexual activity, including being vaginally penetrated.

Further, the Government would introduce through the testimony of ICE agents that the defendant, **LUKE SOBIECHOWSKI**, voluntarily admitted to federal agents that he knowingly downloaded, saved, and viewed images of child pornography. **SOBIECHOWSKI** further admitted that he downloaded the images by using "peer-to-peer" computer software, in which he would input specific search terms, such as "underage," to search for electronic images that he would subsequently download and save to his personal computer. **SOBIECHOWSKI** estimated that he had downloaded between twenty and thirty images of child pornography onto his

computer. **SOBIECHOWSKI** further stated to agents that the images of child pornography he had downloaded included children as young as ten (10) years old and that some of the images showed young girls involved in sexual activity. **SOBIECHOWSKI** also told the agents that knew that it was illegal to download, view, and possess child pornography.

Forensic evidence consisting of documents and testimony from medical experts, law enforcement officers, and computer forensic experts would establish that some of the child victims depicted in the images downloaded, received, and possessed by **SOBIECHOWSKI** were of real, identifiable victims who were under the age of eighteen (18) at the time that the child pornography was created. Testimony and evidence would also establish that some of the child victims depicted in the materials downloaded and possessed by **LUKE SOBIECHOWSKI** were of prepubescent minor children, under the age of twelve (12), engaged in “sexually explicit conduct,” as defined in Title 18, United States Code, Section 2256. These images included pictures of adult males vaginally and/or anally penetrating prepubescent victims and prepubescent victims performing oral sex on adults. All of the images of child pornography received by the defendant, **LUKE SOBIECHOWSKI**, would be introduced through the testimony of ICE agents.

The Government would also present evidence that would establish that the images of child pornography downloaded, received, and possessed by the defendant, **LUKE SOBIECHOWSKI**, previously had been transported in interstate and foreign commerce via computer. The Government would also show through testimony and documentary evidence that the equipment used by the defendant, **LUKE SOBIECHOWSKI**, to acquire and view the child pornography was transported in interstate or foreign commerce.

The above facts come from an investigation conducted by agents from the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE), as well as the statements of the defendant, **LUKE SOBIECHOWSKI**.

The above facts would have been proven beyond a reasonable doubt by credible testimony of agents from the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE), computer hardware, documents, and records obtained by ICE, and the defendants' own statements to ICE agents.

APPROVED AND ACCEPTED:

LUKE SOBIECHOWSKI Date
Defendant

GARY SCHWABE, ESQ. Date
(LA Bar No. _____)
Attorney for Defendant Sobiechowski

JORDAN GINSBERG Date
(IL Bar. No. 6282956)
Assistant United States Attorney